

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

LARRY C. FLYNT,  
LFP VIDEO GROUP, LLC,  
and LFP IP, LLC,

Plaintiffs,

vs.

FLYNT MEDIA CORPORATION, a  
Delaware Corporation; JIMMY  
FLYNT, II; DUSTIN FLYNT; and  
DOES 1 through 10 inclusive,

Defendants.

Case No.: 2:09-cv-00048-AHM (RZx)

PRELIMINARY INJUNCTION  
AGAINST DEFENDANTS FLYNT  
MEDIA CORPORATION, JIMMY  
FLYNT, II AND DUSTIN FLYNT

1           Upon reviewing the papers filed on behalf of Plaintiffs, Larry C. Flynt, LFP  
2 Video Group, LLC, and LFP IP, LLC, in support of their request for a preliminary  
3 injunction pending a final determination of this action, Defendants' opposition  
4 papers and Plaintiffs' reply papers, and after hearing oral argument on January 21,  
5 2009, and having considered the factors relating to: (i) Plaintiffs' probability of  
6 success on the merits; (ii) the risks of irreparable injury to Plaintiffs in the event  
7 preliminary relief is denied; (iii) the existence of serious questions going to the  
8 merits of Plaintiffs' claims; (iv) the balance of hardships; and (v) the public  
9 interest, as well as the need for immediate relief by Plaintiffs in light of the short  
10 time frame involved as to the threatened use of the Plaintiffs' FLYNT name and  
11 mark, and conditioned on Plaintiffs filing a Second Amended Complaint adding  
12 LFP IP, LLC as a Plaintiff by January 23, 2009, the Court HEREBY FINDS and  
13 ORDERS as follows:

14           1.     Plaintiffs have demonstrated a probability of success on the merits of  
15 their claims against Defendants, for violation of the Lanham Act, 15 U.S.C. §  
16 1125(a). The Court incorporates by reference its oral findings concerning the  
17 likelihood of confusion.

18           2.     Plaintiffs would likely suffer irreparable injury without this Court's  
19 intervention.

20           3.     The public interest in preventing consumer deception as to the source  
21 of the respective products of Plaintiffs and Defendants would be served by the  
22 issuance of preliminary injunctive relief to Plaintiffs.

23           4.     Although the balance of hardships weigh in favor of Defendants, that  
24 factor does not outweigh the other considerations.

25                   **PRELIMINARY INJUNCTION**

26           Accordingly, Defendants Flynt Media Corporation, Jimmy Flynt, II and  
27 Dustin Flynt, together with their officers, agents, employees, successors and  
28 assigns, and those persons in active concert or privity with any of them, **ARE**

1 **HEREBY RESTRAINED AND ENJOINED**, pending trial and final  
2 determination of this action, from:

3 1. advertising, selling, marketing or distributing adult-themed motion  
4 pictures, videos and DVDs, as well as other adult-themed goods, which contain  
5 the word “FLYNT” in any typographical format and phrase, including “Flynt  
6 Media Corporation” and “FlyntCorp Distribution;”

7 2. promoting such goods and services on Internet websites, including but  
8 not limited to <www.flyntdistribution.com> and <www.flyntcorp.com>; and

9 3. passing off such goods and services as those of Larry Flynt, the other  
10 Plaintiffs, or their affiliated companies.

11 The three provisions set forth just above do not prohibit Defendants from  
12 advertising, selling, marketing or distributing adult-themed goods that specifically  
13 contain their full and actual names (*i.e.*, Jimmy Flynt and Dustin Flynt) so long as  
14 it also contains, in conspicuous bold and all capitalized letters, a disclaimer that  
15 states that Larry Flynt is not affiliated with the product or services and does not  
16 endorse them (the “Disclaimer”). In particular, on any website owned or operated  
17 by Defendants, including but not limited to <www.flyntcorp.com>, the Disclaimer  
18 shall appear on the same page as the words “JIMMY & DUSTIN FLYNT” and  
19 shall be of the same size font and typeface as the singular name “Dustin Flynt,” as  
20 it appeared on <www.flyntcorp.com> on January 13, 2009.

21 The above preliminary injunction is effective immediately on all persons  
22 who have actual knowledge of this Order.

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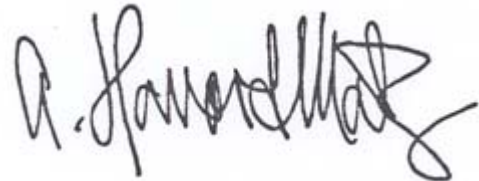
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**SECURITY**

**IT IS FURTHER ORDERED** that Plaintiffs shall post a corporate surety bond, cash or a certified or attorney's check in the amount of forty thousand dollars (\$40,000) as security, in addition to the bond of thirty-five thousand dollars (\$35,000) already posted by Plaintiff Larry C. Flynt, for a total bond of \$75,000, no later than January 23, 2009, as a condition of the further force of this Order.

Dated: January 26, 2009



BY: \_\_\_\_\_

Hon. A. Howard Matz  
United States District Judge

cc: Fiscal